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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/749,260

Filing Date: December 31, 2003

Appellant(s): RANADE, DILIP MADHUSUDAN

Ranade, Dilip Madhusudan
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/5/2007 appealing from the Office action
mailed 4/4/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,853,843	Denise J. Euklund
6,003,034	Raja Singh Tuli

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 30 – 32, 34 – 40, 42 – 45 and 47 – 50 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 4,853,843 issued to Denise J. Ecklund (hereinafter “Ecklund”).

Regarding claim 1, Ecklund discloses,

A system comprising:

a network (Figures 1 and 2, et seq.); and

a plurality of computing nodes coupled via the network (Figures 1 and 2, et seq.);

wherein the plurality of nodes includes a first node operable to;

create a first file representing a first version of a data object (Figure 12: original common state, column 2 lines 59 – 60, column 8 lines 25 – 26, et seq.);

detect a conflict between a first replica of the first version of the data object and a second replica of the first version of the data object (Figures 6C and 12, column 22 lines 50 – 65, column 43 lines 61 – 65, et seq.);

in response to detecting the conflict:

modifying a tree structure representing the data object to reflect the conflict, wherein modifying the tree structure comprises adding information to the tree structure representing a branching from the first version of the data object to a second version of the data object and a third version of the data object, wherein the first replica of the first version of the data object represents the second version of the data object and the second replica of the first version of the data object represents the third version of the data object (Figures 6C and 12, column 2 line 63 – column 3 line 3, column 3 lines 19 – 22, et seq.);

create a second file representing the second version of the data object (each version is a data object, or “copies” of the original version, which essentially means it could be a file stored in a storage); and

create a third file representing the third version of the data object (each version is a data object, or “copies” of the original version, which essentially means it could be a file stored in a storage).

Regarding claim 31, Ecklund discloses creating the second file and the third file in a common directory (Figure 12 and column 2 lines 63 – 68: Merged Result shows different versions branched off of the original versions, et seq.).

Regarding claim 32, Ecklund discloses creating the second file and the third file in a common directory with the first file (Figure 12 and column 2 lines 63 – 68: Merged Result shows different versions branched off of the original versions, et seq.).

Regarding claim 34, Ecklund discloses the first replica of the first version of the data object is stored on a second node and the second replica of the first version of the data object is stored on a third node (Figure 6C shows that the first replica of 3 (3') is stored at client 1 and the second replica of 3 (3'') is stored at client 2, Figures 12 – 13, et seq.).

Regarding claim 35, Ecklund discloses the conflict between the two replicas is caused by update operations that update the two replicas (Figure 15, column 22 lines 50 – 65, column 43 lines 61 – 65, et seq.).

Regarding claim 36, Ecklund discloses the update operations that update the two replicas comprise concurrent update operations (abstract line 5: independently update, column 3 line 16, et seq.).

Regarding claim 37, Ecklund discloses the conflict between the two replicas is caused by the two replicas being independently updated in different network partitions (abstract line 5: independently update, column 3 line 16, et seq.).

Claims 38 – 40 and 42 are rejected based on the same rationale discussed in claims 30 – 32 and 34 rejections because they are essentially the same except they set forth the limitations as “a method” rather than “a system”.

Claims 43 – 45 and 47 are rejected based on the same rationale discussed in claims 30 – 32 and 34 rejections because they are essentially the same except they set forth the limitations as “a computer-readable medium” rather than “a system”.

Claims 48 – 50 are rejected based on the same rationale discussed in claims 30 – 32 rejections because they are essentially the same except they set forth the limitations as “a computing node” rather than “a system”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 33, 41, 46 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ecklund in view of U.S. Patent Number 6,003,034 issued to Raja Singh Tuli (hereinafter “Tuli”).

Regarding claim 33, Ecklund discloses the system of claim 30.

Ecklund does not explicitly disclose creating a name of a file based on the name of another file.

However, Tuli discloses creating a name of a file based on the name of another file in column 12 line 54 – column 13 line 19. At the time of the present invention, it would have been obvious to a person of ordinary skill in the data processing art to combine the two references because the combination would have enabled a simplified method of file management which assigns many related attributes to any file created, resulting in an extremely efficient and resourceful database system with numerous avenues to locate any file.

Claim 41 is rejected based on the same rationale discussed above since it is essentially the same as claim 33 except it sets forth the limitation as “a method” rather than “a system”.

Claim 46 is rejected based on the same rationale discussed above since it is essentially the same as claim 33 except it sets forth the limitation as “a computer-readable medium” rather than “a system”.

Claim 51 is rejected based on the same rationale discussed above since it is essentially the same as claim 33 except it sets forth the limitation as “a computing node” rather than “a system”.

(10) Response to Argument

Appellant’s arguments with respect to 35 U.S.C. 101 rejections of claims 30 – 37 and 43 – 47 have been fully considered and they are persuasive. 35 U.S.C. 101 rejections of claims 30 – 37 and 43 – 47 have been withdrawn.

Following arguments have also been considered but they are not persuasive.

Appellant mainly argued:

1. With respect to 35 U.S.C. 102(b) rejection of claim 30, Appellant asserted that Ecklund nowhere teaches creating a first file representing a first version of a data object, since a data object stored in a database is not at all the same as a file.

2. With respect to 35 U.S.C. 102(b) rejection of claim 31, Appellant asserted that Ecklund does not, and cannot, teach that creating the second file and the third file comprises creating the second file and the third file in a common directory.

3. With respect to 35 U.S.C. 102(b) rejection of claim 32, Appellant asserted that Ecklund does not, and cannot, teach that creating the second file and the third file in a common directory with the first file.

4. With respect to 35 U.S.C. 102(b) rejection of claim 36, Appellant asserted that Ecklund nowhere teaches that the versions are updated by concurrent update operations.

5. With respect to 35 U.S.C. 103(b) rejections of claims 33, 41, 46 and 51, Appellant asserted that there is no clear and particular teaching or suggestion in the prior art for combining Ecklund and Tuli, as would be required to form a case of *prima facie* obviousness.

Examiner respectfully traverses these arguments for the following reasons:

1. Examiner disagrees because a data object stored in a database could clearly be a file. In fact, file IS a data object stored in some type of database.
2. Examiner disagrees because it is not specific enough as to what Appellant

means by a "common directory." It could have many different interpretations from the way it is recited in the claim: it could be interpreted as a) same database, b) same file system, c) same enterprise system, d) same region, etc. Different partitions taught by Ecklund do not necessarily mean they are different directories. As long as these partitions reside in one database system, the data objects in these partitions could be interpreted as "stored in a common directory." Also, Figure 12 and column 2 lines 63 – 68 shows merged result which represents different versions branched off of the original versions, and stored in a single partition after the update step is accomplished.

3. Examiner sustains the rejections based on the same rationale discussed above.
4. Examiner disagrees because Ecklund's abstract line 5 discloses "independently updating groups of data objects," which essentially means that the data objects are being concurrently (simultaneously or independently) updated. Column 3 line 16 also states that each partition independently executes group updates, which suggests that these updates are carried out concurrently.

5. In response to Appellant's allegations that the Examiner does not amount to a clear and particular teaching of suggestion to combine the references, Examiner would like to submit that reason, suggestion, or motivation to combine two or more prior art references in single invention may come from references themselves, from knowledge of those skilled in art that certain references or disclosures in references are known to be of interest in particular field, or from nature of problem to be solved (Pro-Mold and Tool Co. v. Great Lakes Plastics Inc. U.S. Court of Appeals Federal

Circuit 37 USPQ2d 1626 Decided February 7, 1996 Nos. 95-1171, -1181). At the time the present invention was made, it would have been obvious to a person of ordinary skill in the data processing art to represent different versions in Ecklund by creating a name of a version of a file based on the name of another version of the file as disclosed in Tuli, thus avoiding the creation/existence of two files with identical attributes in a common directory (column 12 line 67 – column 13 line 1, et seq.). Examiner would also like to note that such method (renaming a file based on other versions) had been well known and prevalent in the data processing art at the time the present invention was filed and does not carry any weight in terms of patentability.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sangwoo Ahn



Conferees:

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